

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID L. HOLCOMB, SR.,

Plaintiff,

v.

PFIZER INC.; and DOES 1-100,
INCLUSIVE,

Defendants.

Case No. 1:20-cv-01008-DAD-BAM

**ORDER FOLLOWING STATUS
CONFERENCE**

ORDER SETTING BRIEFING SCHEDULE

On December 21, 2021, the Court held a Telephonic Status Conference on the record to discuss the status of this action and the status of Plaintiff David L. Holcomb, Sr.’s attorney search. Plaintiff David L. Holcomb, Sr. (“Plaintiff”), pro se, appeared by telephone. Counsel Jonathan S. Tam and Rachel Passaretti-Wu appeared by telephone on behalf of Defendant Pfizer Inc. (“Defendant”).

The Court and parties discussed the status of Plaintiff’s attorney search, along with the status of Defendant’s pending motion for judgment on the pleadings. Plaintiff informed the Court that he has been unable to secure new counsel, but he intends to proceed in this action and did not wish to dismiss the case. In light of Plaintiff’s intention to proceed in pro se, the Court and parties discussed a briefing schedule for Defendant’s pending motion.

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1 As directed at the conference, Defendant shall promptly re-serve Plaintiff with a copy of
2 Defendant's Motion for Judgment on the Pleadings, (Doc. 10), filed on December 28, 2020, and
3 file such proof of service with the Court. Plaintiff shall file a written response to Defendant's
4 Motion for Judgment on the Pleadings on or before **January 31, 2022**. Plaintiff is advised that
5 the failure to file a timely opposition to the motion may be construed by the Court as a non-
6 opposition to the motion. *See* Local Rule 230(c). Defendant shall serve and file a reply to
7 Plaintiff's response on or before **February 14, 2022**. The motion will be deemed submitted upon
8 the record and briefs pursuant to the Standing Order in Light of Ongoing Judicial Emergency in
9 the Eastern District of California. *See* Doc. 4-2.

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Dated: December 21, 2021

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE